IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO :43 of 2005

AND

WRIT PETITION (SR) No.17080 of 2005

WRIT PETITION NO :43 of 2005

Between:

1. Balappa, s/o. Ashanna, Occ: Excise Constable, Office of the Prohibition and Excise, A.C. Enforcement, Mahaboobnagar.
2. B.Suguneshwar Goud, s/o. Kistanna Goud, Occ: Excise Constable, Office of the Prohibition And Excise, S.H.O. Narayanpet.
3. Shankaraiah, s/o. P.Lingaiah, Occ: Excise Constable, Office of the Prohibition and Excise S.H.O. Mahaboobnagar.
4. G.Prakash, s/o. Kondanna, Occ: Excise Constable, Office of the Prohibition and Excise S.H.O. Atmakur.

5. M.Balram, s/o. M.Kumuraiah, Occ: Excise Constable, Office of the Prohibition and Excise S.H.O. Mahaboobnagar.

…….. PETITIONERS

AND

1. The Government of Andhra Pradesh, represented by its Secretary, Revenue (Excise) Department, Secretariat, Hyderabad.
2. The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Nampally, Hyderabad.
3. The Prohibition and Excise Superintendent, Mahaboobnagar, Mahaboobnagar District.
4. The Deputy Commissioner of Excise, Hyderabad Division, Hyderabad.
5. C.Srinivas, s/o.C.Laxmikanth, working as Prohibition and Excise Constable, Station Jadcherla, Mahaboobnagar District.
6. K.Michal Manohar, s/o. K.A.Manohar, working as Prohibition and Excise Constable, Station Jadcherla, Mahaboobnagar.
7. Ramesh Singh, s/o.Kishan Singh, working as Prohibition and Excise Constable, S.H.O.Mahaboobnagar, Mahaboobnagar District.
8. Mohd.Mohsin, Office of the Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division.

(Respondent No.8 is not a necessary party to this petition).

…… RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction in the nature of WRIT OF CERTIORARI calling for the records relating to judgment passed in O.A.No.266 of 2004, dated 9.2.2004 and quash the same holding it as illegal, arbitrary, violation of principles of natural justice and consequently direct the 2nd respondent not to undertake any revision of settled seniority list pursuant to the directions of Hon'ble A.P.A.T.

Counsel for the Petitioner: MR. M.RAMALINGESWARA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR SERVICES-II

Counsel for Respondents 5 to 7: MR.P.V.S.S.RAMA RAO

W.P.(SR) No.17080 of 2005

Between:

1. K.Veera Brahma Chary, s/o. K.Ramulu, working as Excise Constable, Station House Officer, Jedcherla, Mahaboobnagar District.
2. T.Purushotham Rao, s/o. Kishan Rao, working as Excise Constable, Station House Officer, Telkapally Excise Station, Mahaboobnagar District.

PETITIONERS

AND

1. The Government of Andhra Pradesh, represented by its Secretary, Revenue (Excise) Department, Secretariat, Hyderabad.
2. The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Nampally, Hyderabad.
3. The Prohibition and Excise Superintendent, Mahaboobnagar, Mahaboobnagar District.

4. C.Srinivas, s/o.C.Laxmikanth, working as Prohibition and Excise Constable, Station Jadcherla, Mahaboobnagar District.

5. K.Michal Manohar, s/o. K.A.Manohar, working as Prohibition and Excise Constable, Station Jadcherla, Mahaboobnagar.

6. Ramesh Singh, s/o.Kishan Singh, working as Prohibition and Excise Constable, S.H.O.Mahaboobnagar, Mahaboobnagar District.

7. Mohd.Mohsin, Office of the Deputy Commissioner of Prohibition and Excise, Mahaboobnagar Division.

(Respondent No.7 is not a necessary party to this petition).

…… RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction in the nature of WRIT OF CERTIORARI calling for the records relating to judgment passed in O.A.No.266 of 2004, dated 9.2.2004 consequential proceedings of the 2nd respondent passed in C.R.No.357/04/CPE/H3, dated 29.11.2004 which are not communicated to the petitioners and proceedings of the 3rd respondent passed in RC.No.A2/1482/2003, dated 13.12.2004 proposing to revise seniority and quash the same holding it as illegal, arbitrary, violation of principles of natural justice and suffers from delay and laches and consequently direct the 2nd respondent not to undertake any revision of settled seniority list dated 21.4.1993 pursuant to the directions of Hon'ble A.P.A.T.

Counsel for the Petitioner: MR. M.RAMALINGESWARA REDDY

Counsel for the Respondent Nos.1 to 4: GP FOR SERVICES-II

Counsel for Respondents 5 to 7: MR.P.V.S.S.RAMA RAO

The Court made the following:

ORAL ORDER: (per GB.J.)

Both the Writ Petitions can be disposed of by a common order.

2. After taking leave of the Court, the Writ Petitions are filed. Writ Petition No.43 of 2005 is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.266 of 2004, dated 9.2.2004.

3. We need not refer to various events that took place. Now the learned Government Pleader for Services-II fairly submits before this Court that in pursuance of the orders passed by the Tribunal, the authorities have prepared a draft seniority list on 13.12.2004 and the opportunity has been given to all the persons, who would be affected by the above seniority list including the writ petitioners herein. Under those circumstances it is submitted by the learned Government Pleader that it is always open for the petitioners to raise whatever the objections, if they are aggrieved by the final seniority list including the question of limitation.

4. We are in agreement with the learned Government Pleader that in view of the preparation of final seniority list, the petitioners will not be affected in any way.

Inasmuch as the final seniority list has been published, it is always open for the petitioners to file objections, which are available to them under law including the objection relating to the delay in revising the seniority list, and the same will be considered by the authorities, and it is also open for them to challenge the final seniority list, if they are so aggrieved.

6. Accordingly both the Writ Petitions are dismissed. No costs.

(G.BIKSHAPATHY, J.)

1st April, 2005.

(P.S.NARAYANA, J.)

SSR

To

1. The Government of Andhra Pradesh, represented by its Secretary, Revenue (Excise) Department, Secretariat, Hyderabad.
2. The Commissioner of Prohibition and Excise, Government of Andhra Pradesh, Nampally, Hyderabad.
3. The Prohibition and Excise Superintendent, Mahaboobnagar, Mahaboobnagar District.
4. The Deputy Commissioner of Excise, Hyderabad Division, Hyderabad.

5. The Registrar, A.P. Administrative Tribunal, Hyderabad.

6. 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

7. 2 CD copies.